

SUNRISE, FLORIDA

ORDINANCE NO. 490

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, RECOGNIZING THE IMPORTANCE OF TIMELY AND INFORMED PUBLIC PARTICIPATION IN THE CITY'S LAND USE DECISION MAKING; DECLARING THAT REGISTERED SUNRISE NEIGHBORHOOD ASSOCIATIONS SHALL HAVE SPECIFIC RIGHTS IN REGARDS TO LAND USE MAP AMENDMENTS; PROVIDING FOR DEFINITIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sunrise's many and varied neighborhoods are the lifeblood of the community, providing most residents with their clearest sense of identity with and participation in the communal life of the City; and

WHEREAS, Sunrise's organized neighborhood, civic and homeowners groups ("Neighborhood Associations" as defined herein) serve to connect residents with their geographic neighborhoods and with each other for purposes of self-identification, solidarity, community improvement, and the expression of communal opinions and preferences; and

WHEREAS, the City should take better advantage of the opportunity offered by its Neighborhood Associations to facilitate communications between the City and its residents on matters affecting the Future Land Use Map of the City's Comprehensive Plan; and

WHEREAS, public participation in local government land use decision making is recognized and promoted by the Florida

Legislature, Florida Courts, Florida Department of Community Affairs, and the Florida Attorney General's Office; and

WHEREAS, timely and informed public participation in local government land use planning benefits the City of Sunrise's neighborhoods, natural resources, scenic beauty, quality of life, and community design; and

WHEREAS, the City of Sunrise City Commission has found through experience that many issues that are deliberated at public hearings may be resolved by promoting early dialogue between the applicant ("Future Land Use Element Amendment Applicant") for an amendment to the City's Future Land Use Element (Map and/or Text) of its Comprehensive Plan, or any change or amendment to such approval ("Future Use Element Map and/or Text Amendment"), City residents, and other interested persons; and

WHEREAS, the City Commission deems it appropriate to establish a formal policy statement regarding the involvement of Neighborhood Associations in the review of Future Land Use Element (Map and Text) Amendments; and

WHEREAS, efficiency and proper planning are facilitated by promoting the timely opportunity for Land Use Applicants and informed citizens to interact, share viewpoints, and share information pertaining to proposed Future Land Use Element Map and/or Text Amendments; and

WHEREAS, Florida Courts recognize that the essential tenets of due process are providing fair notice and affording a meaningful opportunity to be heard; and

WHEREAS, the rights of property owners and Future Land Use Element Amendment Applicants are protected by having an informed public hearing on the merits of an application; and

WHEREAS, this Ordinance will allow Neighborhood Associations the right to request a meeting, for the purposes of discussion and/or negotiation, with Future Land Use Element Amendment Applicants as identified in this Ordinance; and

WHEREAS, it is the intent of the City Commission of the City of Sunrise to ensure Neighborhood Associations have the opportunity to engage in effective interaction with those Future Land Use Element Amendment Applicants whose requests may most directly affect the quality of life of the Association's members.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. Definitions. For purposes of this Ordinance, the following definitions shall apply:

"Future Land Use Element Amendment Applicant" shall mean the applicant for City approval of any Future Land Use Element (Map and/or Text) Amendment.

"Future Land Use Element (Map and/or Text) Amendment" shall mean an amendment to the Future Land Use Element (Map and/or Text) of the City's Comprehensive Plan, or any change or amendment to such approval.

"Material Change" shall include, but not be limited to, a change in land use; increase in density or

intensity of land use; and any other change adjudged to be material by the Planning and Development Department Director.

"*Neighborhood Association*" or "*Association*" shall be any formal or informal association of persons that join to register as a Neighborhood Association with the City Planning and Development Department Director or his/her designee on an application form provided by the City Planning and Development Department Director or his/her designee, for purpose of acquiring the benefits of this Ordinance. Such registrations must include geographic Neighborhood Association boundary limits reasonably described in the registration by the Neighborhood Association, and the area within such boundary limits must be limited to an area, within the City of Sunrise, which is characterized by a substantial commonality of interest and history of identification as a neighborhood, separate from others within the City of Sunrise. No more than one informal Association may register in relation to the same described subject geographic boundary.

Section 2. The City of Sunrise Neighborhood Association Bill of Rights. Each Neighborhood Association in the City, properly and currently registered according to the terms of this Ordinance, shall be accorded the following rights, which

it shall be the duty of the Planning and Development Department Director or his/her designees to provide:

A. *Notice.* Notification of the submission of any application for a Future Land Use Element (Map and/or Text) Amendment, within ten (10) business days of its submission to the City. This notice shall, at a minimum, contain a general description of the location of property subject to the Future Land Use Element (Map and/or Text) Amendment; the date, time and place of all applicable public hearings, if known; and other opportunities for public input on the Future Land Use Element (Map and/or Text) Amendment.

B. *Meeting.* Upon request from the Land Use Applicant or a Neighborhood Association, the City shall schedule a meeting with representatives of the Future Land Use Element (Map and/or Text) Amendment Applicant and the Neighborhood Association's authorized representatives, at a reasonable time and place determined by the City. This meeting will allow members of one or more Neighborhood Associations to ask questions and view plans, or to voice support, opposition, concerns, or make suggestions regarding the proposed Future Land Use Element (Map and/or Text) Amendment. If more than one registered Neighborhood Association requests a meeting on the same proposed Future Land Use Element (Map and/or Text)

Amendment, then all Associations shall meet together in

one meeting with the representatives of the proposed Future Land Use Element (Map and/or Text) Amendment. The Association(s), City staff, and the Applicant shall ensure that an accurate record is made to document all commitments or agreements made during such meetings.

C. *Final Application.* A final version of all proposed Future Land Use Element (Map and/or Text) Amendments must be provided to the City no sooner than thirty (30) days prior to any scheduled public hearing on the matter. Any Material Change to the application documents, other than changes requested or required by the City or other jurisdictional agencies in accordance with Section 163, Florida Statutes, or changes proposed in the course of the public hearing, shall cause the public hearing to be rescheduled to comply with this thirty (30)-day requirement, unless this requirement is waived, in writing, by the Applicant and all registered Neighborhood Associations who have requested a meeting on the proposed Future Land Use Element (Map and/or Text) Amendment. The Planning and Development Department Director, or his/her designee, shall reasonably determine what constitutes a Material Change, and such determination shall be deemed valid unless clearly erroneous.

D. *Opportunity to be Heard.* One or more representatives of a Neighborhood Association shall be accorded an opportunity for a reasonable length of time to address any City board or committee, or the City Commission

during a public hearing on any proposed Future Land Use Element (Map and/or Text) Amendment. Any material misrepresentation provided by the Applicant or its representatives regarding the proposed Future Land Use Element (Map and/or Text) Amendment can result in the nullification of any approval that may be granted by the City, at its sole option.

Section 3. Procedures.

A. *Registration.* A Neighborhood Association must be registered with the City's Planning and Development Department Director by its authorized representative initially, and henceforth re-register during the month of October in each year in order to qualify for the benefits of this Ordinance. For an informal association, the registration shall include evidence that a majority of the residents within the boundary of the Association have voted to be registered with the City. For a formal association, the registration shall include evidence of formal action of the association's board of directors requesting registration as a Neighborhood Association under this Section. Such registration shall be effective until the end of October of the following year. Any Neighborhood Association may be re-registered, with the addition or deletion of agents, designees or members, by written communication to the Planning and Development

Department Director or his/her designee, signed by the agent or his/her designee prior to each October.

B. *Agent.* One member of each Association must be designated in such registration as the agent for the Association to receive all notices due to the Neighborhood Association pursuant to this Ordinance. The registration must include evidence that the agent acknowledges his or her obligation to promptly inform all of the residents in the Neighborhood Association of information received on their behalf from the City or the Applicant, and to act on their behalf as directed. A formal Neighborhood Association may utilize existing forms of communications to their residents such as newsletters, websites, and community meetings to provide information received on their behalf from the City or the Applicant. The agent may assign his or her right to receive notice for the Neighborhood Association to another agreeing member of the Neighborhood Association, by specifying the name and contact information of the assignee in the filing with the City.

C. *Requests for Meetings.* Any request for a meeting with an Applicant based on this Ordinance must be submitted to the City by the Neighborhood Association's agent or his/her assignee pursuant to this Ordinance within thirty (30) calendar days of the date that the proposed Future Land Use Element (Map and/or Text)

Amendment is filed with the Planning and Development Department.

D. *Non-Discrimination.* No such Neighborhood Association shall be favored, disfavored, or excluded from the benefits of this Ordinance based on the opinions, race, gender, age, ethnicity, religion, or political affiliations of any or all of its members.

E. *No Legal Assurances.* Each Applicant, Neighborhood Association, and person associated therewith is responsible for obtaining its own legal advice and liability protection as may be required.

Section 4. Disclaimer.

A. *No Basis for Invalidation.* Errors by the City's staff in the administration of this Ordinance shall not form the basis for invalidation of the action of any City board or committee or the City Commission and shall not be grounds for a judicial challenge to the approval of any proposed Future Land Use Element (Map and/or Text) Amendment.

B. *Supplementary Rights.* The rights to notice and participation in land use decisions provided for in this Ordinance are supplementary to those already provided by Florida Statutes and the Code of Ordinances, and shall not replace any concurrent right of a person or entity under another provision of federal, state, or local law.

Section 5. Severability. If any section, clause,

sentence or phrase of this Ordinance is for any reason held

invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Effective Date. This Ordinance shall be effective six months from the date of adoption of this Ordinance.

PASSED AND ADOPTED upon this first reading this 22ND DAY OF APRIL, 2008.

PASSED AND ADOPTED upon this second reading this 10TH DAY OF JUNE, 2008.

Mayor Steven B. Feren

Authentication:

Felicia M. Bravo
City Clerk

FIRST READING

MOTION: ALU
SECOND: ROSEN

ALU: YEA
ROSEN: YEA
SCUOTTO: YEA
WISHNER: YEA
FEREN: YEA

SECOND READING

MOTION: ROSEN
SECOND: SCUOTTO

ALU: YEA
ROSEN: YEA
SCUOTTO: YEA
WISHNER: YEA
FEREN: YEA

Approved by the City Attorney
As to Form and Legal Sufficiency. _____
Kimberly A. Register